

Remarks

Reconsideration is respectfully requested. Claims 1-20 are in the case. Claims 9-13 have been withdrawn. Claims 1-8 stand rejected. Claims 14-20 are allowed.

Claim Amendments

No claims have been amended.

Claim Rejections – 35 USC § 103

The examiner has rejected claims 1-8 under 35 U.S.C. 103(a) as being unpatentable over Dallesasse et al. US 2005/0084269 (hereinafter Dallesasse). Applicant respectfully requests reconsideration of this rejection for the following reasons:

Dallesasse has arguably an earliest effective date of July 28, 2003. However, the invention date of the subject matter of claims 1-8 precede that date as evidenced by the attached declaration under 37 C.F.R. § 1.131, along with photocopies of the supporting documents that are provided herewith. In particular, the declaration along with the photocopies of the supporting documents show that the subject matter of claims 1-8 has a conception date at least as early as June 14, 2002, and subsequent diligence beginning at least prior to the earliest effective date of Dallesasse (July 28, 2003) until filing of the subject patent application on December 30, 2003. Therefore, the invention date of the subject matter of claims 1-8 predates the effective date of Dallesasse, rendering Dallesasse an ineligible reference. Applicant, therefore, respectfully requests the examiner reconsider the rejection and allow claims 1-8 .

Allowable Subject Matter

The Applicant thanks the Examiner for allowing claims 14-20.

Conclusion

Applicant submits all the non-withdrawn claims in the present application, specifically claims 1-8 and 14-20 are in condition for allowance. Reconsideration of the

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Examiner's objections and rejections, and issuance of a Notice of Allowance is respectfully requested.

If the Examiner has any questions, he is invited to contact the undersigned at (503) 796-2496.

The Commissioner is hereby authorized to charge shortages or credit overpayments to Deposit Account No. 500393.

Respectfully submitted,
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